

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6812**

**BILL NUMBER:** HB 1097

**NOTE PREPARED:** Dec 28, 2009

**BILL AMENDED:**

**SUBJECT:** Halloween Enticement.

**FIRST AUTHOR:** Rep. Walorski

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
☐ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** The bill makes it a Class D felony for an offender against children to knowingly or intentionally participate in Halloween by offering or appearing to offer candy or another item to trick-or-treaters.

**Effective Date:** July 1, 2010.

**Explanation of State Expenditures:** *Summary-* There are no data available to indicate how many offenders against children may be convicted of Halloween enticement, a Class D felony.

A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor, depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$20,194 in FY 2009. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$4,818 annually, or \$13.20 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$75,050 in FY 2009. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

**Background:** An offender against children is a person who is required to register as a sex offender and who is found to be a sexually violent predator or was convicted of child molesting, child exploitation, child solicitation, child seduction, or kidnapping of a person who is less 18 years old; attempting or conspiracy to commit one of these offenses; or a similar offense in another jurisdiction. In November 2009, of the 16,390 offenders with active status on the sex offender registry, 8,411 committed crimes that would qualify them as

offenders against children. There were 346 offenders from other jurisdictions included among the active status on the list who could not be classified because of insufficient information.

**Explanation of State Revenues:** If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class D felony is \$10,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 criminal costs fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

**Explanation of Local Expenditures:** If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

**Explanation of Local Revenues:** If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 criminal costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of the criminal costs fee. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

**State Agencies Affected:** DOC.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs' Association; DOC.

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